

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

JAMES DAOUST,

Plaintiff,

No. C 10-00678 LB

v.

U UNLIMITED INC, *et al.*,

Defendants.

**ORDER RE-SETTING HEARING
DATES AND SETTING BRIEFING
SCHEDULE ON DEFENDANTS'
MOTION FOR RELIEF FROM
ENTRY OF DEFAULT**

On February 17, 2010, Plaintiff James Daoust filed a Complaint against Defendants U Unlimited, Inc. and Eitan Spanier. (Dkt. #1.) On April 14, 2010, Plaintiff filed his Request for Entry of Default. (Dkt. #6.) The Clerk entered Defendants' default on April 16, 2010. (Dkt. #7.) On May 27, 2010, Plaintiff filed a Motion for Default Judgment and noticed it for hearing on July 1, 2010. (Dkt. #9.) Subsequently, on June 24, 2010, Defendants filed a Motion for Relief from Entry of Default Judgment (Dkt. #17), and lodged their Answer (Dkt. #16). Defendants, however, noticed their Motion for July 1, 2010, which does not comply with Civil Local Rule 7-2(a)'s requirement that motions be noticed at least 35 days after service of the motion. Accordingly, because the Motion does not comply with the Local Rules and because the noticed hearing date does not afford Plaintiff sufficient time to file an Opposition, the matter must be re-set. Further, because the relief Defendants request is directly related to Plaintiff's request for entry of default judgment, the Court

1 must address the Motions at the same time.

2 Considering the foregoing factors, the Court **HEREBY ORDERS** as follows:

3 The Court **VACATES** the current July 1, 2010 hearing date on Plaintiff's Motion for Default
4 Judgment.

5 The Court **SETS** Plaintiff's Motion for Default Judgment and Defendants' Motion for Relief
6 from Entry of Default for hearing before the Court on **August 12, 2010 at 3:00 p.m.**

7 The Court **SETS** the briefing schedule on Defendants' Motion as follows: Plaintiff's
8 Opposition shall be due no later than **July 9, 2010**. Defendants' Reply will be due no later than **July**
9 **16, 2010**.

10 **IT IS SO ORDERED.**

11 Dated: June 24, 2010

12 
13 _____
14 LAUREL BEELER
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27